



Watershed,<sup>1</sup> the State's Motion does apply to the George's Defendants. Specifically, the State is entitled to deposition testimony and interrogatory answers from the George's Defendants pertaining to their historic operations.<sup>2</sup>

**2. Information about the George's Defendants' historic operations in the Illinois River Watershed is relevant**

The George's Defendants' assertion that the State's Motion does not address the issue of relevance ignores the fact that the State attached to its Motion the affidavit of Shanon J. Phillips, Assistant Division Director of Water Quality Division of the Oklahoma Conservation Commission, which establishes (1) that past poultry waste land application has caused past contamination in the Illinois River Watershed, and (2) that past poultry waste land application is causing present contamination in the Illinois River Watershed. In further response to this frivolous argument by the George's Defendants, the State incorporates by reference the arguments made in the "State of Oklahoma's Reply to 'Peterson Farms, Inc.'s Response in Opposition to Plaintiffs' [sic] Motion to Expand the Discovery Period, Docket No. 1418.'" *See* DKT #1665. Simply put, information about the George's Defendants' historic operations in the Illinois River Watershed clearly is relevant.

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<sup>1</sup> The George's Defendants also represent that they have produced all of their electronically stored information pertaining to their historic operations in the Illinois River Watershed to the extent it was in "a readily accessible electronic form." As explained in *Martin v. Wal-Mart Stores Inc.*, 2007 WL 4374175, \*3 (N.D. Ill. Dec. 4, 2007), however, "discovery is not limited to information that is 'readily accessible.'" Thus, the George's Defendants' ESI productions are non-compliant.

<sup>2</sup> By way of example and without limitation, the George's Defendants owe the State an answer to its very first interrogatory that is unrestricted by time. That interrogatory sought from the George's Defendants the name and physical location of the George's Defendants' poultry operations, the dates of those operations, the type of those operations, the number of birds (aggregated annually) at those operations, and the name of the owner and operator of those operations.

### **Conclusion**

For all the reasons set forth in the State's Motion and above, the State's Motion to Expand the Discovery Period to include all responsive information pertaining to the Illinois River Watershed, regardless of its age, should be granted.

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